

TOWN OF NEWSTEAD - ZONING BOARD OF APPEALS
MINUTES of July 20, 2004

Present: Bill Kaufman
Dave Wakeman
Ike Cummings
John Olaf
Corky Keppler
Rebecca Baker, Zoning Officer
Christine Falkowski, Recording Secretary

Bill called the meeting to order at 7:34 PM. Ike motioned to waive the reading of the minutes from the February 17, 2004 meeting, seconded by Dave and all approved.

Public Hearing – Christian Airmen, Inc. - Akron Airport

Christine read the public hearing notice. A public hearing was held to consider the following four variance requests:

- (1) Area variance request of 65 square feet for a 65 square foot sign for visibility from the runway. In the R-A Zoning District of the Town of Newstead, no commercial signs are permitted.

The 5' x 13' sign would be put on the service building and will replace two existing signs. It would advertise BP fuel and not be visible from any road. The purpose is to disclose the availability of fuel to aircraft. Dave motioned to close this segment of the hearing, seconded by Ike and all approved.

- (2) Area variance request of 2' for an 8' high chain link inadvertent entry fence with gated access. In the R-A Zoning District of the Town of Newstead, fences cannot exceed 6' in height.

The eight-foot height is required by FAA standards to keep out wildlife, ATV's and snowmobiles. Dave Parzych, 92 East Avenue, stated that deer bed down there; where will they go if the property is divided by a fence? Joe Parzych, a pilot for the Corfu Airport is in favor of a fence for security. Wayne Wegman, Passero Associates, stated that the 8' height is required by the FAA and required in order to receive FAA funding. Harold Finger, 158 East Avenue, inquired about the fence setback from property lines, and asked about fence maintenance. Nathan Neill, Town Attorney, read the five criteria for an area variance. Greg Brown, 80 Eckerson, is in favor of the higher fence height. Dave motioned to close this segment of the hearing, seconded by John and all approved.

- (3) Use variance request to construct an eight foot high chain link perimeter inadvertent entry fence along the current boundary of Akron Airport property in one of two ways – (a) enclose usable portion of airport owned lands or (b) enclose all of the airport owned property and prevent access to caves located on the former Randall property. Either action would be an expansion of a non-conforming use in the R-A Zoning District in the Town of Newstead.

Mary Kay Genthner, Passero Associates, presented a board showing the layout. Christian Airmen prefer plan (a). David Gray, Vice President, Christian Airmen stated they have a meeting tomorrow with the DEC (who owns property to the north) to see if they are interested in exchanging their property with the airport property to the south (caves). The DEC may be interested in a trail going around entire perimeter and in the caves due to bats (seven different kinds), flora and fauna. This would relieve Christian Airmen of liability. Dave Parzych stated that a trail from East Avenue to Akron Central School has been there forever. Also, he doesn't want to Town of Newstead Zoning Board of Appeals

look at a fence sitting above the ledge at Ron Barry's field. A fence can legally be placed on a property line. Harold Finger stated that there is not 15' to mow on either side of the fence. He mows right up to the airport boundary and feels that maintenance will be a big problem. Wayne Wegman stated they would be willing to shift the fence a few feet to maintain a pathway. Dave Wakeman stated that he would stop at Dave Parzych's to take a look from there. David Gray stated that there would be a clear-cut zone of 15' on each side of fence. The Fire Company will have gate access at Scotland Road and could drive across the airport to get to the other side, if necessary. Greg Brown feels they could just fence off the buildings and hangars. Why visually impair escarpment and interrupt deer habitat. He forecasted more car-deer accidents as a result. Dick Forrestel stated that nationally, many small towns are fencing in their airports due to homeland security. The fence posts will be core-drilled. The construction cost is estimated at \$450,000. Greg Brown is in favor of the project if their assessment is raised accordingly. Harold Finger asked what is the point of this discussion until they know where the DEC stands on the land swap. Larry Cummings, President, Christian Airmen, stated that the DEC intent may take one – two years and that they would like to cover their risk during the interim (apply for funding) to cover cave entrance. The Akron Fire Co. will no longer go into the caves. Wayne Wegman stated that they could amend the application to (a) enclose usable portion (upper fence). He believes the trail location is outside the airport line, but this must be verified. David White, Counsel to Christian Airmen stated that the property line is irregular. Harold Finger stated the airport's drainage system dumps into the caves; will the DEC take on this responsibility? Greg Brown inquired about the effect of snow load on the fence at Scotland Road. Larry Cummings stated that the Erie County Highway Superintendent has been in meetings with them. They will be willing to make alterations. Dave motioned to close this segment of the hearing, seconded by Ike, and all approved.

- (4) Use variance request to construct two 10-bay T-Hangars in the western portion of the terminal. The Airport is planning to replace the westernmost hangar and construct an additional 10-bay T-Hangar building to the west. This action would be an expansion of a non-conforming use in the R-A Zoning District in the Town of Newstead.

There are 42 hangars now, ten will be torn down and 20 will be built. Dave Chevacci, 113 John Street, asked if this is an expansion. Tom George, 11494 Meahl Road, stated that the end result is 52 hangars, an increase of 10. Ten - twelve planes are tied down now at \$25 per month. Hangars rent for \$250 per month. Nathan Neill stated that one of the thresholds for a use variance is the hardship that one cannot realize a reasonable return as shown by competent financial evidence. Joe Parzych stated that one may see boats and RV's in hangars as they afford a little bit of spare closet space as wing span is 36' whereas hangar span is 42'. The new bays are to be paid for by a State grant, just as Whiting Door and Perry's Ice Cream receives State grants. Larry Cummings stated that it's been 20 years since they've had new hangars. The Airport Master Plan of a few years ago called for 20 new bays. If they cannot expand the hangars, they will be forced to expand their flight school, which increases the number of flights in the neighborhood causing noise and irritation. Joe Matusek, 15 Colony Place, stated that lately there has been an increase in noise late at night. Brian Perry, 12 Stoneridge, compared the growth of the airport to Perry's growth. Perry's works with the community to combat complaints such as odor and noise. State funding corrected their odor problem a few years ago. John motioned to close the public hearing, seconded by Dave and all approved.

Decisions on the above will be tabled until Erie County Planning has 30 days to comment on SEQR, and another Zoning Board meeting is scheduled.

Bill motioned to close the meeting at 9:13 PM, seconded by Ike and all approved.

Respectfully submitted,
Christine B. Falkowski, Recording Secretary